

Application No.: 10/507,023
Filing Date: March 14, 2005
Inventor: van der Heijden et al.
Docket No.: 903-117 PCT/US/RCE
Page 11

Remarks/Arguments:

Introduction

Claims 17-26, 28-33, 35-44 and 46-50 are pending in the application. Claims 17 and 35 have been amended. No new matter has been introduced. Applicant acknowledges that claims 17-26 and 28-33 are allowed, and claims 38 and 44 would be allowable if rewritten in independent form. Reconsideration is respectfully requested.

Claim Objections

Claims 17 and 35 have been objected to as containing informalities. Claims 17 and 35 have been amended to overcome the typographical errors. In view of the amendments, the objection is believed to be overcome.

Section 103 Rejections

Claims 35-37, 39-43 and 46-50 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over European Patent No. 443519 to Feldmann (hereinafter "Feldmann") in view of U.S. Patent No. 5,740,947 to Flaig et al. (hereinafter "Flaig"). Applicants respectfully traverse the rejection.

Independent claim 35 recites a dispensing unit formed or to be formed from a combination of a first container and a second container, which first and second containers each have a reservoir for a liquid substance and a pump, which is secured to the reservoir, can be actuated by hand and has a dispensing opening and a pump-actuating button for dispensing substance from the reservoir, which combination also includes coupling members for coupling together the first and second containers in a position next to one another. The coupling members includes one or more first coupling members, which are each arranged on the first container, and one or more second coupling members, which are each arranged on the second container and which can each be directly coupled to an associated first coupling member on the first container. A first coupling member and an associated second coupling member are each arranged fixedly on the pump-actuating button of the associated container in order to create a stable coupling between the pump-actuating buttons of the two containers and that the dispensing unit further include a separate reservoir holder which is designed to at least partially enclose the reservoir of the first container and the reservoir of the second container.

In contrast, Feldmann discloses two containers each having a reservoir 24, 44 and a pump connected to the respective reservoir. First coupling members 18, 28 and 52 are arranged on the pump actuating button 12 and the reservoir 24. Associated second coupling members 38, 40 and 64 are arranged on the pump actuating button 32 and the reservoir 44. The containers can be coupled by coupling of the first and second coupling members. Feldman does not

disclose the dispensing unit comprising a separate reservoir holder to enclose the first and second containers, as recited in the claims.

The Examiner cites Flaig as allegedly teaching a separate reservoir holder to enclose the first and second containers of a dispensing unit. Flaig discloses a dispenser having two pump mechanisms mounted in a common collar. Separate pump actuation buttons are provided to independently actuate the first or the second pump mechanism. Each of the pump mechanisms is placed in a reservoir. A base cup is provided on the bottom ends of the reservoirs.

As shown in Figs. 4 and 5 curvilinear surfaces are complementary-shaped to fit together along a length of the reservoirs from top to bottom end. These curvilinear surfaces are provided to obtain a tight fit between the first and second reservoir (col. 3, ll. 66-col. 4, ll. 14).

Thus, similar to the dispensing unit of Feldmann, Flaig proposes to use specially designed reservoirs in order to provide a proper coupling between the reservoirs. The coupling means are provided in the form of curvilinear surfaces to obtain a tight fit between the first and second reservoir. The base cup is provided to obtain a smooth bottom surface of the dispensing unit but not to couple the reservoirs together. The base cup simply snaps onto the bottom edge of the container (col.4, ll. 37-39). In contrast, claim 35 recites a separate reservoir holder to at least partially enclose the reservoirs therein. The base cap of Flaig cannot be regarded as a reservoir holder as the base cup does not hold the two reservoirs together.

Further, the purpose of Flaig is to provide coupling means on the first and second reservoir to directly obtain a rigid coupling between the reservoirs to ensure a tight fit therebetween (col. 2, ll. 39-45; col. 3, ll. 60-col. 4, ll. 14). In contrast, the reservoirs of claim 35 such direct coupling is not possible instead a separate reservoir holder is required to at least partially enclose the reservoirs therein. Furthermore, the base cup of Flaig cannot be used to hold two cylindrical reservoirs as it simply snaps onto the bottom edge of the container. Further, the base cup does not enclose the reservoirs, as required by claim 35. Moreover, since the base cup is only designed to simply snap onto a bottom edge of the reservoirs of the dispensing unit of Flaig, the base cap is not capable and thus will not provide enough coupling strength to couple two reservoirs without the presence of further coupling means between the first and second reservoirs.

Flaig fails to overcome the deficiencies of Feldmann as recited above. Therefore, Flaig and Feldman, individually or in combination, fail to teach or suggest the invention as recited in claim 35 and the depending claims. Thus, withdrawal of the rejection is respectfully requested.

Claims 48-50 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over Feldman in view of Flaig and further in view of U.S. Patent No. 4,384,660 to Palmisano. The above-argument equally applies herein as claims 48-50 depend from claim 35. Specifically, Feldmann and Flaig fail to teach or suggest reservoirs and/or a separate reservoir holder, as recited in claim 35.

Application No.: 10/507,023
Filing Date: March 14, 2005
Inventor: van der Heijden et al.
Docket No.: 903-117 PCT/US/RCE
Page 15

The Examiner cites Palmisano as allegedly teaching a U-shaped clamp. However, Palmisano fails to overcome the deficiencies of Feldmann and Flaig, as recited above. Thus, withdrawal of the rejection is respectfully requested.

Application No.: 10/507,023
Filing Date: March 14, 2005
Inventor: van der Heijden et al.
Docket No.: 903-117 PCT/US/RCE
Page 16


Summary

In view of the above-remarks and claim amendments, this application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



Anna-Lisa L. Gallo
Registration No.: 50,279
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700